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COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by the International Centre for Human Rights and Democratic Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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ENG

The situation in China

1. During the past year, gross violations of human rights have persisted in the People's Republic of China. Hopes for an early ratification of the two human rights covenants have been dashed by repeated bureaucratic roadblocks and lack of political will. Meanwhile a renewed campaign against organizations and movements which the Party views as a threat is supported by a number of new regulations which allow the government to deny rights while claiming that it is merely abiding by the "rule of law".

2. While the number of bilateral human rights dialogues with western governments has grown and dialogue sessions continue to take place at regular intervals, the policy of quiet diplomacy has disappointed those who look beyond institutional reforms towards real change on specific human rights practices. China has yet to adequately live up to its commitments under the various agreements it has already ratified, specifically the Convention on the Rights of the Child, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

3. At the same time, the bilateral dialogue discussions between mid-level officials and academics around institutional reform appear to have been conditioned on silencing public condemnation at the Commission on Human Rights. The effect has been to remove the incentive for China to improve its human rights record. A UK parliamentary study of the dialogue process, released in November 2000, concluded that the dialogue had delivered "no meaningful results" and that there had been a "serious deterioration" of human rights since the British government initiated the process.

4. Similarly, the Memorandum of Understanding signed in November 2000 between the High Commissioner for Human Rights and the People's Republic of China, is disappointing in that, like the bilateral dialogues, it fails to identify a timeframe for progress, practical outputs, or any methodology for monitoring the implementation of reforms. The agreement establishes little more than an expanded schedule of workshops, training programmes and provision of advisory services in its effort promote "a better mutual understanding of human rights issues". Again, while these are not necessarily bad initiatives, they do not substitute for the cessation of specific human rights abuses by the Chinese state against its citizens.

5. Political activity has been systematically repressed during the past year. From October 1999 to July 2000, ten leaders of the China Democracy Party (CDP) were sentenced to prison terms of up to eleven years. More recently, Wang Zechen was sentenced in December 2000 to six years imprisonment for his involvement in the outlawed opposition party while lawyer Wang Wenjiang received a four year sentence for his role in representing a CDP leader. At least 25 members of the CDP are currently imprisoned, primarily on subversion charges.

6. Despite persistent reports of torture in prisons, the UN Special Rapporteur on Torture's request to visit China has been held up by Chinese objections to the terms of reference of his visit. While the terms of reference are standard for special rapporteur country visits, China has successfully kept official scrutiny of its practices at bay while permitting non-expert officials from a variety of countries to visit selected prisons on an ad-hoc basis. One of these, from

Canada, reported hearing a prison rock band perform during his visit to Drapchi Prison in Tibet, later commenting that the quality of music was "better than in the rest of China" and that prisoners appeared to be "happy".

7. Freedom of expression is routinely denied in China and efforts in the past year to control the distribution of non-official information have escalated. Authorities have replaced or demoted publishers and editors who failed to comply with new stricter guidelines related to promoting official Communist Party ideology. Censorship is rampant and is imposed on a variety of articles, books and poems deemed "backward", "subversive" or "threats to security". Even foreign businesses are scrutinized and one publisher was denied access to book binding facilities in China because the book in question included a photo of the Dalai Lama.

8. Access to information is strictly monitored and curtailed. China-based Web sites are restricted to posting state-controlled information and several chat rooms and electronic news groups have been shut down by the Ministry of Security. The Web sites of some foreign news agencies and non-governmental organisations are routinely blocked. Six provincial authorities have set up special "Internet police" forces under the guise of fighting pornography, but with the real objective of monitoring the flow of news entering China over the Internet. At the same time, propaganda Web sites targeting non-Chinese audiences have been launched from outside of China in locations such as Russia.

9. Trade unionists have continued to suffer denial of their rights to freedom of association and the right to form independent trade unions. Arrests of labour activists are widespread and sentences of several years are common for efforts organise workers outside of the state-sanctioned process. In December 1999, labour lawyer Xu Jian of Baotou City in Inner Mongolia was arrested and held for six months without any notification provided to his family. In May 2000, Xu was charged with trying to overthrow the state and the socialist system. The charges resulted from Xu's efforts to educate local workers about China's labour laws and his efforts to represent workers who had not received their due wages from state-owned enterprises. Xu was sentenced to four years, but is reported to be in poor health and denied access to appropriate health care while in prison.

10. In Tibet, Chinese authorities continue to suppress "splittist" activities and exert control over religious activities. A two-tier system of social protection has emerged based primarily on race. Tibetans find themselves marginalized and discriminated against in the areas of education, access to adequate health care and in economic development. Efforts by the Tibetan government-in-exile to resolve the conflict through initiation of dialogue and negotiation with Chinese authorities have been met with resistance by China's leadership. Requests from the governments of many Commission members and the High Commissioner for Human Rights for permission to visit Gendhun Choekyi Nyima, the 11-year old Tibetan prisoner recognized by the Dalai Lama as the Panchen Lama, continue to be routinely denied.

11. Political and religious repression in Eastern Turkestan (Xinjiang) has escalated in the past year, with Chinese authorities initiated a "iron fist" campaign against what it termed "religious fundamentalists, splittists and terrorists". At least 24 alleged terrorists were executed during the past year. In March, 2000 a local businesswoman, Rebiya Kadeer, was sentenced to eight years

in prison for mailing underlined newspaper articles to her husband, a refugee living in the United States. Kadeer's son and secretary were also given prison terms of two and three years respectively.

12. Discrimination against the practice of Falun Gong by Chinese authorities has escalated to the point where it is estimated that 25,000 practitioners are now languishing in labour camps, prisons or mental hospitals. Reports estimate that up to 80 deaths from torture have resulted. Many of those arrested have been denied their right to a fair trial.

RECOMMENDATIONS

1. The Commission of Human Rights should adopt a resolution on the situation of human rights in China and Tibet, with a view to ending specific human rights abuses as outlined above.

2. The Commission on Human Rights should take steps to ensure that the Government of China honours the terms of reference for country visits by special rapporteurs and the visit to China by the Special Rapporteur on Torture proceeds without further delay.

3. The Commission on Human Rights should appoint an independent delegation of eminent persons to petition Chinese authorities for permission to visit the 11 year old Tibetan child, Gendhun Choekyi Nyima for the purpose of ascertaining his safety.

4. The Commission on Human Rights should urge the Government of China to ratify the two human rights covenants, the Convenant on Civil and Political Rights, and the Covenant on Economic, Social and Cultural Rights, without delay and without reservations.

5. The Commission on Human Rights should press Chinese authorities for restraint in their response to Falun Gong practitioners. The Special Rapporteur on Torture should be permitted access to specific Falun Gong practitioners currently imprisoned and should provide information regarding those whose whereabouts remains unknown following detention. Specifically, Chinese authorities should guarantee that the right to a fair trial is upheld for all citizens of China including Falun Gong practitioners.

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The situation in Colombia

1. In spite of "tough" recommendations by the United Nations High Commissioner for Human Rights to the Colombian Government in March, 2000, the human rights situation in the country has deteriorated further.

2. The degradation of the internal armed conflict and its effects on the civilian population; the increase in human rights violations, including civil and political rights, as well as economic, social and cultural rights; the continuation of permissive attitudes towards, as well as direct and indirect aiding and abetting of paramilitary activities by members of the armed forces; the lack of protection of the basic rights of people forced to migrate internally; and the implementation of a predominantly militaristic response to narcotrafficking through Plan Colombia; are some of the major concerns of Rights & Democracy at the beginning of 2001.

Degradation of the Internal Conflict

3. Despite positive efforts by the Pastrana Government to continue in its dialogue with the major insurgent organisations, the Armed Revolutionary Forces of Colombia (FARC) and the National Liberation Army (ELN), with the goal of reaching a negotiated political settlement to the internal armed conflict, the setbacks have been many.

i) The temporary suspension of talks by the FARC pending State control over paramilitary forces, and the government's recognition of the demilitarized zone only until the end of January, 2001 pending concrete "efforts for peace" from the FARC, imply the possibility of full suspension of the peace talks and further intensification of the conflict.

ii) Discussions with the ELN regarding their proposal for a National Convention involving Colombian society in the design of an eventual peace accord, moved forward during 2000. However, the adamant refusal of paramilitary-backed civilian organizations continued to thwart its implementation. To date the government has not resolved this impasse.

4. Meanwhile, the armed conflict raged on, escalating levels of human degradation and intolerable suffering within the unarmed civilian population. Massacres, threats, assassination, displacement, and forced disappearance of civilians, including human rights workers, trade unionists, indigenous, academics, journalists, and community workers by the paramilitary, in many instances assisted directly or indirectly by members of the Armed Forces, increased during the past year. Almost 100% impunity meant few were prosecuted for gross human rights violations.

5. The number of kidnappings and threats of extortion, selective assassination of civilians, the use of military tactics violating international humanitarian law (gas canisters packed with gunpowder and shrapnel), and the destruction of infrastructure (hydro-electric towers, oil pipelines), by insurgent groups, increased. The forced recruitment of minors by both the guerrilla and the United Self-Defence Forces of Colombia (A.U.C.) is of grave concern.

6. To date, the Colombian State has been ineffective in preventing attacks from all parties in the armed conflict and in protecting threatened civilians.

Deterioration of the Human Rights Situation

7. According to recent reports, the number of victims of political violence and deaths in combat rose from 12 to 14 per day in 2000. The paramilitary, especially the A.U.C., are deemed responsible for 78% of human rights violations, and as has been consistently reported by international organizations, governmental and non-governmental alike, are frequently supported, openly or indirectly, by members of the Colombian Armed Forces. Detailed reports of imminent paramilitary attacks on civilians have consistently been brought to the attention of the appropriate authorities but action was seldom taken to prevent the pending tragedy.

8. While modest efforts by the Colombian State to apprehend and prosecute members of the paramilitary and members of the Armed Forces accused of collusion with them, are laudable, a much more decisive response is required if a peace process guaranteeing basic human rights is to move forward.

9. The targeted assassination and forced disappearance of, and threats to, human rights workers continued to affect the capacity of civil society to defend basic human rights. Indigenous leaders have been especially victimised by all of the armed actors, in spite of their proclamations of neutrality and autonomy. Journalists, Afro-Colombians, academics, and community leaders have been increasingly targeted. More than 60 trade unionists were assassinated and 678 forcibly displaced after receiving death threats (reports received by the OIT) during 2000.

10. Colombia is the kidnapping capital of the world. This practice, used increasingly by the guerrilla to finance their activities, causes further degradation of the conflict and untold suffering not only to victims but also to family and community members. Arbitrary killings of civilians and indiscriminate military attacks by insurgent force have likewise increased over the past year.

11. To be commended is the passing of a law in 2000 which criminalized forced displacement, disappearance, and genocide. However, the issue of impunity regarding Armed Forces personnel remained a serious concern, despite the new Military Code. Military judges frequently continued to ignore a Constitutional Court decision requiring that cases involving Armed Forces personnel associated with gross human rights violations be tried in civilian courts.

Forced Displacement

12. A report released in 2000 by Francis Deng, the U.N. Secretary-General's representative on internally- displaced people, describes Colombia's situation as among the gravest in the world. Approximately two million unarmed civilians have been forcibly displaced from their homes and communities due to the internal armed conflict, the majority of whom are women and children. Many are "hidden from view" in the slums of large urban centres, other are barely surviving in makeshift refugee camps in Colombia.

13. Often without appropriate documentation, the civil and political rights of displaced persons are frequently ignored this situation affects women especially. State resources for shelter and sustenance have not provided even minimally for basic needs, and a law passed in 1997 which outlined a comprehensive program to assist displaced people, has not been implemented.

14. In the past year, the number of internally displaced arriving in Panama, Ecuador, and Venezuela has increased significantly, as the conflict in Colombia assumes regional dimensions.

Narcotrafficking and "Plan Colombia"

15. The intensity of Colombia's conflict was modified during 2000 by the infusion of dramatically increased military assistance from the US government, ostensibly to make inroads on curtailing drug trafficking.

16. The introduction of substantial new US military assistance in a situation of intense conflict further polarised Colombia's crisis, both with guerrilla organisations and among civil society. Aerial fumigation of coca and poppy crops, as a major component of US strategy, threatens to substantially increase internal displacement, refugee flows to neighbouring countries, intensified levels of combat, and regionalization of the conflict.

17. Although the US Congress made its "drug war" military aid dependent upon improvements in human rights protection, President Clinton waived this requirement on the basis of a national security advisory so funds could flow to Colombia. Even though human rights violators were not persecuted, and despite the continued involvement of members of the armed forces in paramilitary atrocities, President Clinton or President-elect Bush is expected to again use the right to waiver within the next few weeks

RECOMMENDATIONS

1. Rights & Democracy urges the Commission to assist and pressure the Colombian government to combat paramilitarism effectively and to dismantle it completely, and to prosecute those who lead, organize and finance it, including public servants, and especially members of Colombia's Armed Forces.

2. The Commission should likewise support the Colombian government as it continues to ensure that guerrilla members, in violation of international humanitarian law, are brought to justice.

3. The Commission is called upon to effectively support concrete efforts by the Colombian government to strengthen and broaden the search for a negotiated political settlement to the internal armed conflict; to urge the government and insurgent groups to reach a verifiable agreement to respect human rights and international humanitarian law; and to respond to the efforts of Colombian society in general to strengthen movements for lasting peace with justice.

4. The Commission should reaffirm the importance of the United Nations Office in Colombia of the High Commissioner for Human Rights; the Colombian government must be assisted and

encouraged to implement recommendations from the High Commissioner's Reports, as well as those of Special Rapporteurs who have visited the country.

5. The Commission should ensure that the Colombian government design and implement a comprehensive and gender-sensitive plan to respond to the basic rights of displaced people.

6. The Commission should use its good offices to pressure the United States government to effectively condition military assistance to Colombia to ensure its aid does not benefit military units that commit abuses, either directly, or by aiding and abetting the paramilitary. The human rights conditions attached to the aid package must be strictly adhered to, periodically evaluated for compliance by Colombian authorities, and thoroughly reported.

7. The Commission is called upon to support political rather than military responses to the problem of narcotrafficking in Colombia. The exclusive use of force to reduce the cultivation and trafficking of illicit drugs has proven illusory. The implementation of political and social transformations providing viable alternatives, including authentic agrarian reform, is essential in reducing rural acreage dedicated to illicit drug production.

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The situation in Myanmar

1. In the year 2000, as in the past 12 years, the State Peace and Development Council (SPDC), Burma's ruling military junta, continues to be among the worst human rights violators of our times. Reported human rights violations included: extra-judicial, summary and arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, forced relocation, and denial of freedom of assembly, association, expression and movement.

2. The SPDC continued to ignore the outcome of the election of 27 May 1990. It is widely considered that the National Convention convened by the military on 9 January 1993 is designed to prolong and legitimize its rule against the will of the people as expressed in the elections more than 10 years ago, and thus, violates the principle established in the Universal Declaration of Human Rights that the "will of the people shall be the basis of the authority of government."

3. The absence of respect for rights pertaining to democratic governance is at the root of all major violations of human rights in Myanmar (A/RES/C3./54/L.76). The key to progress toward democracy and respect of human rights is direct negotiations on the political future of the country between the SPDC, the National League for Democracy (NLD), and the ethnic minorities.

4. The SPDC continues not only to refuse to negotiate a transition to democratic rule but has recently shown a growing determination to dismantle the opposition. On 24 March 2000, U Aye That Aung, a member of the Committee Representing Peoples' Parliament (CRPP) who was representing four ethnic parties was arbitrarily arrested and sentenced to 21 years imprisonment. On two occasions in August and September 2000, SPDC forces prevented NLD officers, including Daw Aung San Suu Kyi, from travelling to meetings with party members outside Rangoon. The military used violence to turn them back home. They held Daw Aung San Suu Kyi and other executive committee members of the NLD under incommunicado house arrest, denying them access even to diplomats. They detained Vice Chairman U Tin Oo and U Naing Naing, MP from Pazundaung constituency and detained 18 other NLD members. The NLD Headquarters was raided and the SPDC security forces illegally took party document and thousands of NLD members were forced to resign from the party.

5. The right to education is highly restricted and students do not have equal access to education. While children of the military class can afford to attend military institutions, the civilian institutions are open on sporadically. In the past 13 years, universities were opened for a total of less than three years. When they are open changes are regularly imposed in the education system. Most students, especially those, who live in rural areas, are unable to attend any schools and institutions because of the extra fees required from them: school cleaning, examination papers, school uniform, sport and computer equipment, in-school tutoring and membership in the army-sponsored association – the Union Solidarity and Development Association (USDA). Students are strictly forbidden to participate in any anti-military activity and to form any student association. The leader of the student movement in 1988, Min Ko Naing, remains in jail despite the fact that he has completed his sentence and he is reportedly in ill-health.

The SPDC assigns high and growing budgets for military spending while the allocation of public resources for health, education and human development are kept extremely low. The World Health Report 2000 ranks Burma overall performance second-to-last in the world – 190th out of 191.

6. The SPDC continued to reinforce its rule through a pervasive security apparatus controlled by military intelligence. Press censorship continued to be strictly enforced. Ownership of fax machines and computers as well as access to the Internet without government permission is punishable by a prison term of seven to 15 years. The military did not allow local independent non-governmental organizations to operate in the country.

7. Military sexual slavery, especially against ethnic women, was common. SPDC soldiers raped women when they are detained for forced labour or "portering" or under the pretext of forced marriage. These practices constitute a violation of the Slavery Convention to which Burma became a party on 18 June 1927.

8. As a counterinsurgency measure, forced relocation of villagers in ethnic minority areas continues. After relocation, soldiers frequently burn homes, uproot crops, loot belongings left behind and lay landmines around the villages. Relocation sites become recruitment pools for forced labour, who are obliged to transport military equipment, and munitions, act as minesweepers, and work on infrastructure projects.

9. In June 1999, the International Labour Conference approved an unprecedented resolution that barred Burma from participating in any International Labour Organization (ILO) meetings, seminars and symposia until it implements recommendations of an ILO Commission of Inquiry which found that forced labour in Burma was "widespread and systematic". On November 2000, the Governing Body of the ILO adopted a resolution calling for restrictive measures to compel the SPDC to meet its obligations, under Convention No 29 that Burma ratified in 1955. These measures include: Recommending to the ILO members (States, employers and workers) that they review their relations with Myanmar and take appropriate measures to ensure that such relations do not perpetuate or extend the system of forced or compulsory labour in that country; calling on international organizations working with the ILO to reconsider any co-operation they may be engaged in with Myanmar and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly abetting the practice of forced or compulsory labour.

10. The country is facing a humanitarian crisis. The consolidation of the Burmese Army control over their border states through force relocations has a direct impact in creating a huge number of internally displaced peoples (IDP) and refugees. Hundred of thousands of IDP are hiding in the jungle or living in poor and harsh conditions at SPDC relocations sites. Some of them manage to escape and become new refugees in neighbouring countries.

11. Since 1991, the Third Committee of the UNGA and the UNCHR have adopted strong resolutions condemning the military rulers of Burma. The SPDC has not shown any significant signs of collaboration with the UN. As his predecessor, Mr. Yozo Yokota, Special Rapporteur

Rajsoomer Lallah , who was systematically denied access to Burma, has recently resigned from his position.

RECOMMENDATIONS

1. The UNCHR must take actions against the SPDC unless the junta: 1) accepts the visit of the new Special Rapporteur into the country and 2) takes concrete measures towards implementation of his recommendations.

2. The UNCHR must fully support and implement the ILO resolution (ILC, 88th Session, Geneva May-June 2000).

3. The UNCHR must extend its full support to the CRPP and with its decision of 16 September 2000 to draft a national Constitution which is fully in accord with the mandate given by the people in 1990, notwithstanding the SPDC law X/96 that states that anyone drafting a constitution without its approval is subject to a prison sentence of up to 20 years.

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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Globalization and the Protection and Promotion of Human Rights

1. The *Vienna Declaration and Programme of Action* re-affirmed that "human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments." Further, the Declaration emphasized the universality, indivisibility, interdependence and interrelationship of all human rights and fundamental freedoms as they are defined by the Universal Declaration of Human Rights (UDHR).

2. The UDHR is governed by two covenants sharing the same preamble. The preamble asserts that the "ideal of human freedom can be realized only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights."

3. The UN Charter states that one of its "purposes" is to "achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all..."

4. The Commission on Human Rights has recognized the "inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the process of development" (Res.1998/33). Similarly, the Declaration on the Right to Development states, "The Right to Development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" (Art.1). Further the declaration assigns states with the "primary responsibility for the creation of national and international conditions favourable to the realization of the right to development" (Art. 3.1).

5. Poverty and under-development are both violations of and obstacles to the realization of human rights. The ICESCR requires that states take appropriate steps for the progressive realization of economic, social and cultural rights through the respect, protection and fulfilment of requirements under the human rights instruments. The growing gap between rich and poor both within and between nations is evidence that states have not been able or willing to fulfil their obligations under the Covenant.

6. The ability of individual states to design and implement national development strategies for the protection and fulfilment of human rights requirements has been constrained by the structural adjustment programmes imposed by international financial institutions. These programmes are characterized by lending conditionality and market reform requirements. They impose policies – deregulation, liberalization and privatization – which limit the ability of states to protect the human rights of their citizens, through provision of local incentives, social safety nets and other such mechanisms.

7. Debt burdens have imposed additional pressures on the weakest economies. Commitments by governments and financial institutions to forgive the debt of highly indebted poor countries have often been tied to sectoral privatization with ensuing market access for developed countries. The elimination of poverty and its inherent violations of economic, social and cultural rights

requires complete and unconditional debt relief for the poorest countries as well as alternatives to the present system of global financial management. Developed countries and the institutions governing the international economy have failed to address this urgent problem.

8. The international trading system as represented by the World Trade Organization (WTO) agreements, does not consider differential levels of development when it negotiates rules or when it settles disputes. Even though the objectives of the multilateral trading system include the achievement of "sustainable development" and raising "standards of living" (Preamble to the Marrakesh Agreement), the WTO agreements include no methodology for ensuring that its provisions are consistent with states obligations to promote and protect human rights, including economic, social and cultural rights.

9. Human rights are fundamental and prior to free trade itself, which is merely an instrument of basic human values. The primacy of human rights over trade liberalization is consistent with the trade regime on its own terms (Howse, Mutua, 1999).

10. The issue of systemic consistency refers to policy coherence between international institutions governing the world economy, ie. the World Bank, International Monetary Fund (IMF), World Trade Organization (WTO) and those governing human rights and development. The current lack of systemic consistency represents the greatest obstacle in the search for solutions to poverty, under-development and the violations of economic, social and cultural rights by which they are characterized. If the protection and promotion of human rights is the first responsibility of Governments, then it follows that the international body created to monitor state compliance with human rights obligations should take leadership in the struggle to address the negative impacts of globalization.

RECOMMENDATIONS

1. In their preliminary report submitted to the Sub-commission on the Promotion and Protection of Human Rights on June 15, 2000 (E/CN.4/Sub.2/2000/13), special rapporteurs Joseph Oloka-Onyango and Deepika Udagama identified the processes which comprise the phenomenon of globalization and identified their impacts on the realisation of human rights, including economic, social and cultural rights. The report builds on previous work done at the Sub-Commission on extreme poverty, structural adjustment, the right to education, income distribution and the right to food.

The Sub-Commission's capacity to expand its research and policy formulation in the area of globalization should be strengthened by the provision of additional funding and human resources specifically for this purpose. The Oloka-Onyango/Udagama report on globalization and other related reports and studies of the Sub-Commission, should be forwarded with recommendations to all members of the Commission on Human Rights (CHR) for due consideration and concrete follow-up.

2. An outstanding proposal to create a "social forum" on economic, social and cultural rights at the Sub-commission level provides another opportunity to exchange information on the relationship between economic, social and cultural rights and the process of globalization. The

Social Forum will draw from the conclusions of relevant reports submitted to the CHR by the Sub-commission, special rapporteurs and independent experts as well as from state reports to the Committee on Economic, Social and Cultural Rights. Conclusions of the Social Forum deliberations will be forwarded to the Committee and to the Working Group on the Right to Development, UN specialized agencies and other entities of the United Nations system.

Members of the Commission on Human Rights should support the creation of a Social Forum by swiftly approving its mandate and allocating adequate financial and human resources without delay.

3. An Optional Protocol to the ICESCR was originally proposed in 1990 to ensure the recognition and implementation of the rights guaranteed in the Covenant. The Protocol would provide a complaint procedure with respect to economic, social and cultural rights, thereby allowing individuals or groups to bring into focus, violations to their rights under the ICESCR. Such a Protocol would be one mechanism for citizens and communities to seek appropriate remedies to violations of rights resulting from the process of globalization.

The Commission on Human Rights should re-invigorate the discussion around the Optional Protocol and create programmes to deal with obstacles to its early adoption.

4. In September 1998, the UN General Assembly agreed to initiate a dialogue on development financing by convening a "high-level intergovernmental event" to consider national, international and systemic issues in a holistic manner. The Finance for Development conference, now scheduled to take place in early 2002, will bring together representatives of the WTO, World Bank and IMF with representatives of the UN Development Programme and the UN Committee on Trade and Development. This is an important first step towards a collaborative effort between international institutions in order to find solutions to the crisis of globalization and development.

The Finance for Development conference will address systemic issues as part of its official agenda. In order to ensure that the impacts of globalization on economic, social and cultural rights are addressed from the perspective of the human rights obligations of states, the Office of the High Commissioner should play an active and substantial role in the Finance for Development process. Specifically, her office must seek membership in the coordinating secretariat hosted by the UN Department of Economic and Social Affairs, and also participate in the formulation of draft texts and preparatory events leading up to the official conference.